

## TOLEDO - LUCAS COUNTY PLAN COMMISSIONS

One Government Center, Suite 1620, Toledo, OH 43604 P: 419 245-1200 F: 419 936-3730

DATE: January 12, 2024

REF: SUP-11004-23

TO: President Carrie Hartman and Members of Council, City of Toledo

FROM: Toledo City Plan Commission, Thomas C. Gibbons, Secretary

SUBJECT: Special Use Permit for a tobacco shop at 4558 Monroe Street

The Toledo City Plan Commission considered the above-referenced request at its meeting on Thursday, January 11, 2024 at 1:00 P.M.

### GENERAL INFORMATION

#### Subject

Request	-	Special Use Permit for a tobacco shop
Location	-	4558 Monroe Street
Applicant	-	Yazeed Qaimari Get Smoked Tobacco + Vape LLC P.O Box 8253 Toledo, OH 43623
Owner	-	Tolang Properties LTD 4558 Monroe Street Toledo, OH 43623
Engineer	-	Michael Cappelletty, P.E. 6145 Douglas Rd. Toledo, OH 43613

#### Site Description

Zoning	-	CR / Regional Commercial
Area	-	Parcel: ±0.4 acres Tenant Space: 1,250 square feet
Frontage	-	±120' along Monroe Street ±138' along Vogel Drive
Existing Use	-	Commercial multi-tenant space
Proposed Use	-	Tobacco shop

**GENERAL INFORMATION (cont'd)**

Area Description

North	-	Single-family homes / RS6
South	-	Kroger, gas station, auto shop, restaurant / CR
East	-	Retail, auto shop / CR
West	-	Walgreens / CR

Parcel History

SPR-57-22	-	Request for minor site plan review for site modifications. Plan Commission approved 2/6/2023.
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Applicable Regulations

- Toledo Municipal Code (TMC), Part Eleven: Planning and Zoning Code
- Toledo 20/20 Comprehensive Plan

**STAFF ANALYSIS**

The applicant is requesting a Special Use Permit for a tobacco shop at 4558 Monroe Street. The property is the location a shopping plaza owned by Tolang Properties LTD where the applicant will occupy a ±1,250 square foot tenant space. The applicant plans to open a vape and smoke shop, which is classified as a “tobacco shop” per TMC§1116.0249 – *Tobacco Shop*. The site is ±0.4 acres and zoned CR – Regional Commercial. Adjacent land uses include single-family homes to the north; Kroger, a gas station, auto shop, and drive-thru restaurant to the south; retail and an auto shop to the east; and Walgreens to the west. A Special Use Permit is required for all tobacco shops.

Use Specific Regulations

- a. Tobacco shops shall not be located within 500 feet of any of the following uses: school, public park, public library, child day care center, or other use established specifically for the activities of minors. Plan Commission records do not indicate any spacing violations within 500 feet of the vicinity.
- b. The hours of operation of a tobacco shop may be limited to 5:30 a.m. to 1 a.m., or other hours consistent with a liquor permit issued by the State of Ohio, and this is listed as a condition of approval.

## STAFF ANALYSIS (cont'd)

### Parking and Circulation

Tobacco shops require one (1) parking space per 300 square feet of floor area. The building is 1,250 square feet and requires at least five (5) parking spaces. The existing parking lot at 4558 Monroe Street is proposed to serve the tobacco shop and has twenty-three (23) spaces, which will adequately serve the tobacco shop. A previous Minor Site Plan Review (SPR-57-22) was approved for this site to reconfigure the parking lot and add in a new pick-up window. The conditions for that approval still apply.

A portion of the total number of required off-street parking spaces must be specifically designated, located, and reserved for use by persons with physical disabilities. According to the table in TMC§1107.1701 – *Number of Required Parking Spaces for Persons with Disabilities*, the applicant is required to provide at least one (1) van accessible space with an eight-foot (8') drive aisle for persons with physical disabilities and one (1) car accessible space with a five-foot (5') drive aisle. The off-street parking includes two (2) van accessible spaces and is acceptable as depicted.

Bicycle parking is required pursuant to Off-Street Parking Schedule "A" (TMC§1107.0300). A minimum of one (1) bicycle space shall be provided per ten (10) parking spaces. Plans depict a bicycle rack with three (3) slots, which was a condition of approval in the Minor Site Plan Review process for this site. Plans are acceptable as depicted.

### Landscaping

As conditioned in SPR-57-23, a fifteen-foot (15') frontage green with a continuous line of shrubs and one (1) tree per thirty feet (30') shall be provided along Vogel Drive to bring the site closer to compliance. A total of seven (7) trees was required in this review, with the option for the applicant to request credit for the existing trees under TMC§ 1108.0407(B). The proposed plan depicts a five-foot (5') greenbelt with five (5) trees and a continuous shrub row along Vogel Drive, as well as a five-foot (5') shrub hedge along a portion of the Monroe Street frontage. Due to site constraints, the landscaping is acceptable as depicted.

### Elevations

There are no changes proposed for the building exterior at this time.

### Toledo 20/20 Comprehensive Plan

The Toledo 20/20 Comprehensive Plan targets this site for Neighborhood Commercial land uses. Neighborhood Commercial uses are predominantly small and medium scale commercial uses that serve neighborhoods. The proposed use is suitable within the designated future land use.

**STAFF ANALYSIS (cont'd)**

Toledo 20/20 Comprehensive Plan (cont'd)

Staff recommends approval of the requested Special Use Permit as the proposed use meets the stated purpose of the zoning code and is compatible with adjacent uses in terms of scale, site design, and operating characteristics.

**PLAN COMMISSION RECOMMENDATION**

The Toledo City Plan Commission recommends approval of SUP-11004-23, a request for a Special Use Permit for a tobacco shop at 4558 Monroe Street, to the Toledo City Council, for the following two (2) reasons:

1. The propose use meets the stated purpose of the Zoning Code (TMC§1111.0706(A)); and,
2. The proposed use is compatible with adjacent uses in terms of scale, site design, and operating characteristics (hours of operation, traffic generation, lighting noise, odor, dust, and other impacts associated with the use's operation) (TMC§1111.0706(C)).

The Toledo City Plan Commission recommends approval of SUP-11004-23, a request for a Special Use Permit for a tobacco shop at 4558 Monroe Street, to the Toledo City Council, subject to the following **eleven (11)** conditions:

The following conditions are listed by agency of origin. Applicants are encouraged to contact each of the agencies to address compliance with their conditions.

Plan Commission

1. A tobacco shop shall not be located within 500 feet of any of the following uses: school, public park, public library, child day care center, or other use established specifically for the activities of minors. **No spacing violations found.**
2. The hours of operation of a tobacco shop shall be limited to 5:30 a.m. to 1 a.m., or other hours consistent with a liquor permit issued by the State of Ohio, as a condition of development approval.
3. Pursuant TMC§1107.0400, the commercial space requires one (1) parking space per 300 square feet of floor area. A total of five (5) parking spaces are required for

**PLAN COMMISSION RECOMMENDATION (cont'd)**

Plan Commission (cont'd)

this site. **Acceptable as depicted on site plan.**

4. All spaces reserved for the use by persons with physical disabilities shall adhere to the standards outlined in TMC§1107.1700. A minimum of one (1) auto and one (1) van accessible parking spaces are required for use by persons with physical disabilities. **Acceptable with two (2) accessible spaces depicted on site plan.**
5. Bicycle parking slots shall be provided pursuant to Off-Street Parking Schedule "A" (TMC§1107.0300), which requires one (1) bicycle parking slot per ten (10) parking spaces. **Acceptable as depicted.**
6. The proposed landscaping modifications shall occur within one (1) year of Ordinance approval and shall be maintained indefinitely.
7. Off-street parking and loading spaces, parking lots, maneuvering aisles and driveways must be surfaced with concrete, bituminous asphalt, or other dust-free material other than gravel or loose fill, and be graded to drain all surface water toward the interior of the parking lot or to a stormwater treatment facility subject to the regulation's approval of the Department of Public Utilities (TMC§1107.1906).
8. Whenever a parking lot extends to a property line, sidewalk, planting strip, or building, a wheel stop device consisting of a concrete stop, a permanent concrete curb, an expanded sidewalk or other suitable restraint as approved by the Planning Director must be installed to prevent any part of a parked motor vehicle from extending beyond the property line, overhanging a pedestrian walkway, or sidewalk, or damaging any structure or landscaping (TMC§1107.1907(A)).
9. The Special Use Permit may be reviewed for compliance with the conditions of approval, negative secondary effects, and adherence to all requirements of the Toledo Municipal Code. If outstanding issues are found and not addressed the Special Use Permit may be considered for revocation.
10. Minor adjustments to the site plan that do not violate the above conditions, or the Toledo Municipal Code, may be reviewed and approved by the Director of the Toledo City Plan Commission.
11. No permits shall be issued until arrangements satisfactory to the Director of the City of Toledo Plan Commission have been made for compliance with the conditions as set forth above.

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January 12, 2024  
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**PLAN COMMISSION RECOMMENDATION (cont'd)**

Respectfully Submitted,

A handwritten signature in black ink, appearing to read 'T. C. Gibbons', written in a cursive style.

Thomas C. Gibbons  
Secretary

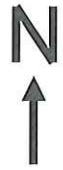
MJM

Three (3) sketches follow

Cc: Yazeed Qaimari, PO Box 8253, Toledo, OH 43623  
Michael Cappelletty, 6145 Douglas Rd., Toledo, OH 43613  
Lisa Cottrell, Deputy Director  
Mara Momenee, Planner

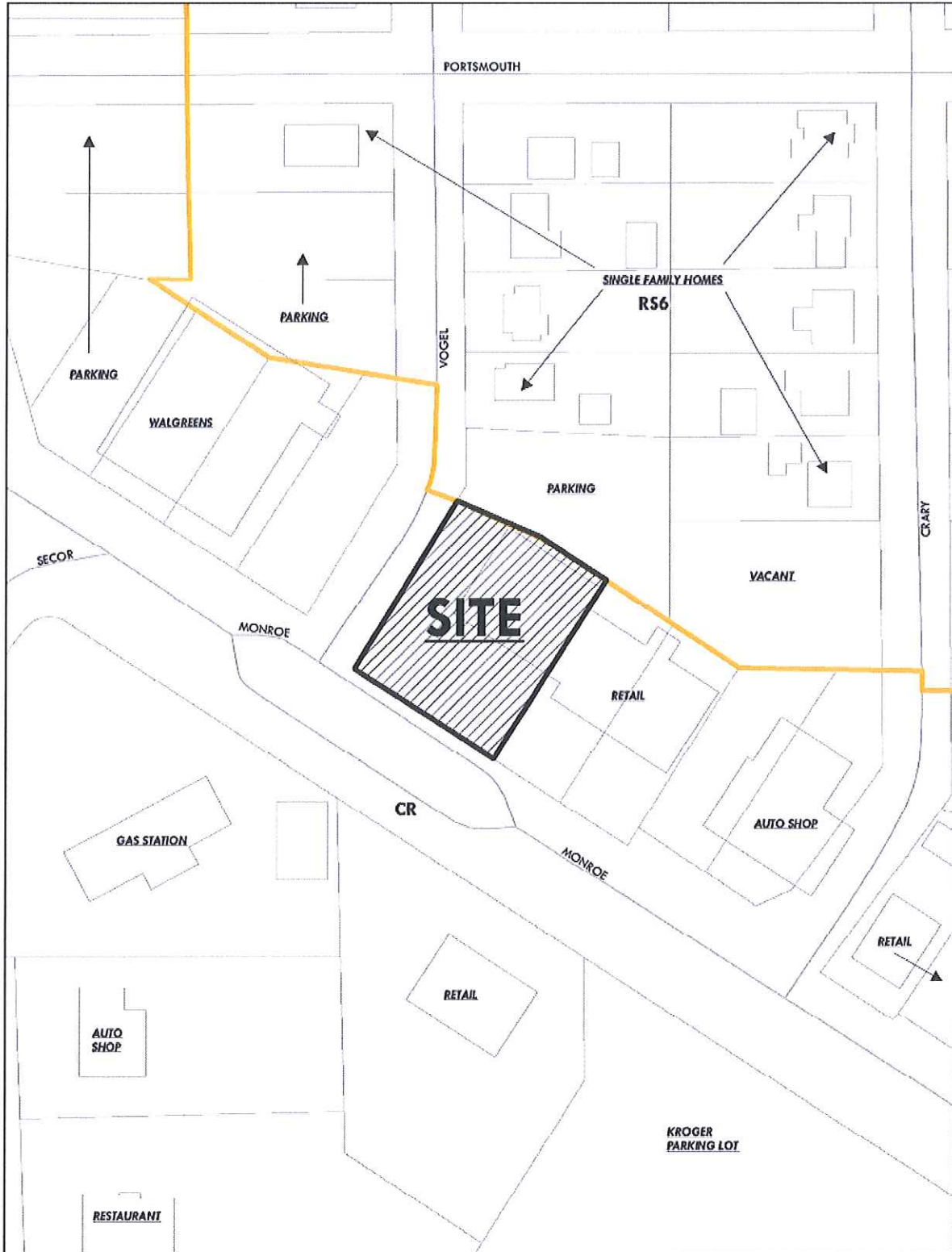
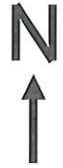
# GENERAL LOCATION

SUP-11004-23  
ID 46

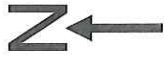


# ZONING AND LAND USE

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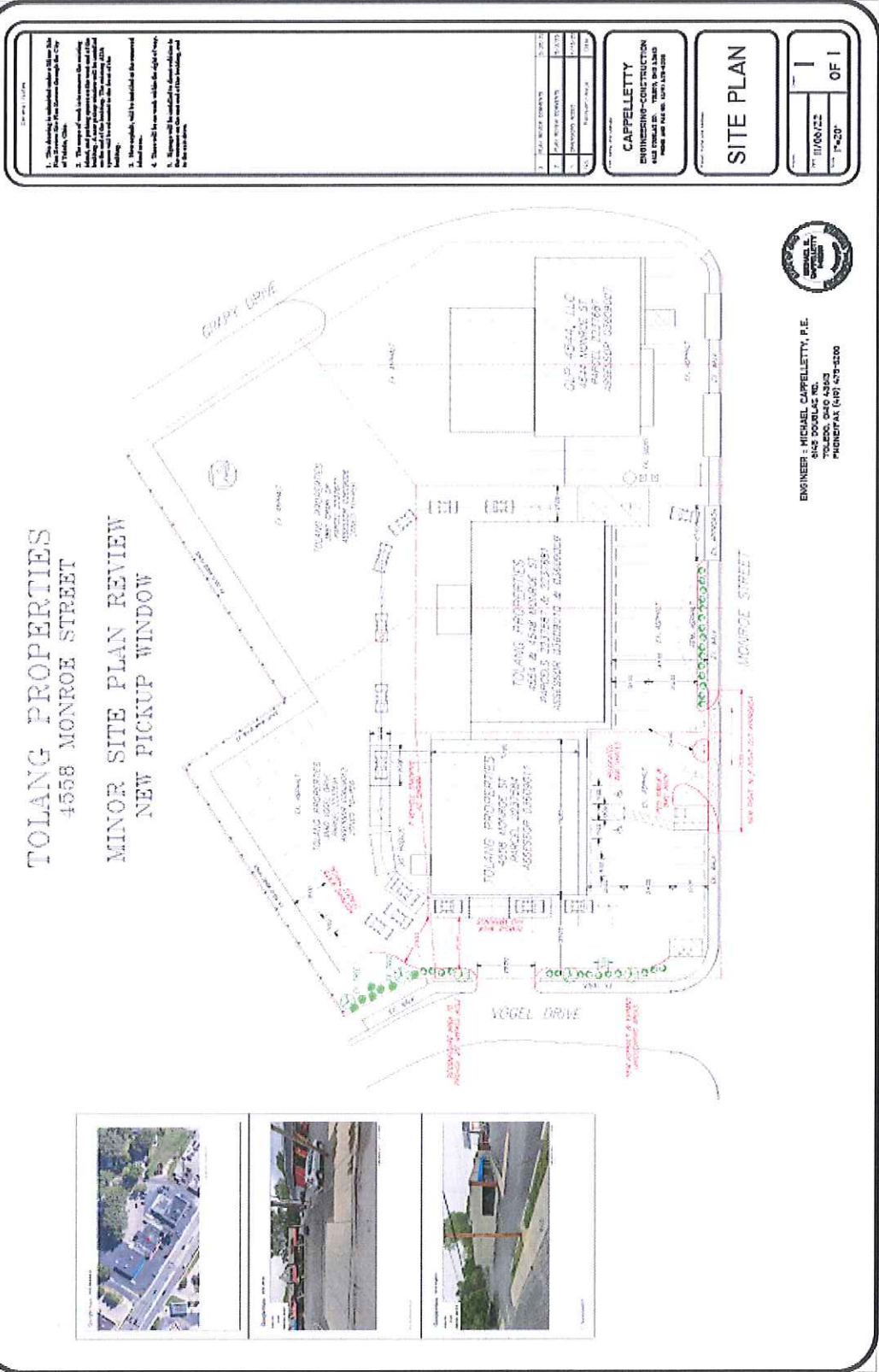
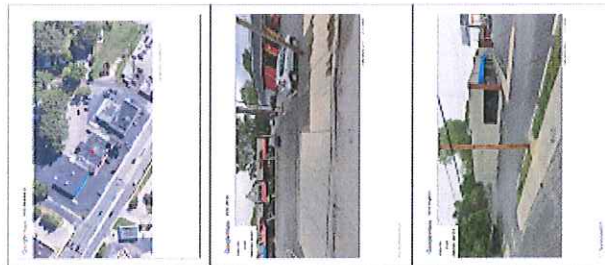




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ID 46

# SITE PLAN

## TOLANG PROPERTIES 4558 MONROE STREET MINOR SITE PLAN REVIEW NEW PICKUP WINDOW



1. This drawing is intended to be used for informational purposes only and is not to be used for any other purpose.
2. The owner of any work shown on this drawing shall be responsible for obtaining all necessary permits and approvals from the appropriate authorities.
3. This drawing shall be used in accordance with the applicable laws and regulations.
4. This drawing shall be used in accordance with the applicable laws and regulations.

1	DATE	11/15/22
2	BY	MICHAEL CARPILLETTO
3	FOR	CLIENT
4	PROJECT	MINOR SITE PLAN REVIEW
5	LOCATION	4558 MONROE STREET
6	SCALE	AS SHOWN

**CARPELLETTO**  
ENGINEERING & ARCHITECTURE  
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**SITE PLAN**

11/15/22  
1 OF 1  
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